

Message Text

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ACTION AF-06

INFO OCT-01 EUR-12 ISO-00 CIAE-00 DODE-00 PM-04 H-02

INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15

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FM AMEMBASSY PRETORIA

TO SECSTATE WASHDC 2771

INFO AMCONSUL CAPE TOWN

ACONSUL DURBAN 3337

AMCONSUL JOHANNESBURG

AMEMBASSY LONDON

LIMITED OFFICIAL USE PRETORIA 3605

E.O. 11652: N/A

TAGS: SF, PINT, SHUM, PINS

SUBJ: CLASH OF PETITIONS ON TERRORISM ACT

BEGIN UNCLASSIFIED

1. SUMMARY: ON SEPT. 22 MINJUSTICE KRUGER ACCEPTED TWO PETITIONS FROM UNIVERSITY STUDENT GROUPS DEALING WITH INTERNAL SECURITY MEASURES. DOCUMENTS ILLUSTRATE WIDE GULF WHICH SEPARATES MINORITY OF WHITES WHICH OPPOSE ABRIDGMENT OF FREEDOMS UNDER TERRORISM ACT FROM THE CONSERVATIVE WHITE MAJORITY WHICH CONVINCED SUCH LEGISLATION NECESSARY. END SUMMARY

2. KRUGER RECEIVED NATIONAL UNION OF SOUTH AFRICAN STUDENTS (NUSAS) SPONSORED PETITION, REPORTEDLY SIGNED BY 10,000 INDIVIDUALS ON ENGLISH-SPEAKING COLLEGE CAMPUSES, FROM DELEGATION OF 60 UNIVERSITY OF WITWATERSRAND STUDENTS. PETITION CALLS ON GOVERNMENT TO REPEAL ALL LEGISLATION WHICH DENIES DETAINEES LEGAL REPRESENTATION AT ALL TIMES AND RIGHT TO KNOW CHARGES AGAINST THEM. DOCUMENT, WHICH
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REPORTEDLY SIGNED BY, AMONG OTHERS, WITS PRINCIPAL

BOZZOLLI AND DEAN OF LAW SCHOOL ZEFFERTT, ALSO DEMANDS
SAG RELEASE ALL PERSONS CURRENTLY DETAINED UNDER SECTION
6 OF TERRORISM ACT OR GRANT DETAINEES NORMAL LEGAL RIGHTS.

3. KRUGER REPORTEDLY TOLD NUSAS DELEGATION THAT HE CON-
VINCED DETAINEES BEING WELL-TREATED AND THAT SECURITY
LEGISLATION NECESSARY TO PRESERVE INDIVIDUAL FREEDOM IN
SOUTH AFRICA AND TO HELP TO PREVENT CERTAIN YOUNG PEOPLE
FROM GOING ASTRAY.

4. PRIOR TO RECEIVING NUSAS STUDENTS, KRUGER ADDRESSED
APPROXIMATELY 4,000 UNIVERSITY OF PRETORIA STUDENTS WHO
GATHERED AT UNION BUILDINGS TO PRESENT COUNTER-PETITION,
REPORTEDLY SIGNED BY UNIVERSITY PRINCIPAL HAMMAN AND DEAN
OF LAW FACULTY OOSTHUIZEN, WHICH CALLS ON GOVERNMENT TO
RETAIN SECTION 6 OF TERRORISM ACT IN INTEREST OF STATE
SECURITY. PETITION ALSO EXPRESSES CONFIDENCE THAT GOVERN-
MENT'S "TRADITIONAL SENSE OF JUSTICE" WILL COMPEL IT "TO
TREAT DETAINEE IN A REASONABLE MANNER". END UNCLASSIFIED.

5. BEGIN LIMITED OFFICIAL USE. IN RECENT CALL ON SOUTH
AFRICAN CHIEF JUSTICE RUMPFF, AMBASSADOR BROACHED SUBJECT
OF TERRORISM ACT AND ATTITUDE OF JUDICIAL BRANCH. CHIEF
JUSTICE NOTED THAT ACT WAS NOT SUBJECT TO JUDICIAL REVIEW
BECAUSE PARLIAMENT IS SUPREME IN SOUTH AFRICA. BUT HE
WENT ON FROM THERE TO DESCRIBE LAW AS NECESSARY FOR
NATIONAL SECURITY REASONS AND EFFECTIVE IN DEALING WITH
SUBVERSIVE ELEMENTS. HE PLACED PARTICULAR EMPHASIS ON
"WORKABILITY" OF LAW, POINTING OUT THAT COMPLETE ISOLA-
TION OF PRISONERS FROM FAMILY, FRIENDS AND DEFENSE
ATTORNEYS WAS EFFECTIVE IN ELICITING CONFESSION "WITH
THE LEAST GUILTY SINGING FIRST". THROUGHOUT DISCUSSION
CHIEF JUSTICE SHOWED NO SIGN OF CONCERN OVER VIOLATION
DONE TO RIGHTS OF INDIVIDUAL.

6. COMMENT: ATTITUDE OF CHIEF JUSTICE ON TERRORISM ACT
IS REFLECTIVE OF GENERAL SUPPORT OF GOVERNMENT SECURITY
MEASURES AMONG WHITE POPULATION. NOTWITHSTANDING 10,000
SIGNATURES ON NUSAS PETITION AND CONTINUED CARPING OF
ENGLISH-LANGUAGE PRESS, IT SEEMS LIKELY THAT A SIGNIFICANT
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MAJORITY OF WHITES WOULD AGREE WITH RUMPFF AND UNIVERSITY
OF PRETORIA STUDENTS THAT SECURITY THREAT TO SOUTH AFRICA
SO GREAT THAT GOVERNMENT JUSTIFIED IN UTILIZING TERRORISM
ACT AND ALL OTHER LEGAL INSTRUMENTS AT ITS DISPOSAL.
END LOU.
BOWDLER

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